

is highly likely that, during the next few years, continued advances in computer and telecommunications technologies will provide new options for addressing the capacity and performance issues that are implicated by the deployment of additional 8XX codes. Even if the changes necessary for the SMS/800 to accommodate all 8XX codes could be made by February 1997, requiring that they be made by that time would deny users the benefits of these advances.

Like the Commission's proposal to mandate network technologies, its proposal to establish triggers for the deployment of new codes is unnecessary, unwarranted and unsupported by any data. Indeed, the complete absence of any factual basis for this proposal is underscored by the Commission's suggestion that codes be deployed six months after some unspecified time, which could be when a previous code is deployed or when it is half utilized. The fact of the matter is that the Commission has no idea at this time how quickly future toll free codes will be utilized, and any attempt now to prescribe deployment schedules for all subsequent codes is misplaced.

4. Tracking Toll Free Number Usage

The Commission's final proposal related to the opening of new toll free codes is a reporting requirement. Specifically, the Commission proposes that the administrator of the SMS/800 database be required to submit periodic reports to the Commission on toll free number utilization, including: (1) the quantity of numbers that are in spare status and available for use; (2) the quantity of numbers in working status and in use; (3) the quantity of numbers assigned to working status each month; (4) the estimated time remaining

before that code is exhausted, along with the method used to calculate the estimated time remaining; and (5) the quantity of numbers assigned to each of the nine categories specified in the industry guidelines. The Commission also seeks comment on whether additional information, such as information on usage by type of toll free number assignment (business, personal, or access) should be reported.

Ameritech supports the Commission's initiative to continue to monitor the utilization of toll free numbers. It is Ameritech's understanding that the SMS/800 administrator could provide the Commission with quarterly reports on the quantity of numbers assigned to each of the nine categories, including those in spare status and available for use, and those in working status. In addition, the SMS/800 administrator could provide information in these reports on the estimated time before code exhaustion and the basis upon which such calculation was made. This information would enable the Commission to monitor the industry's role in planning for future deployment of toll free codes and take action, if necessary, to protect the public interest.

The additional information referred to by the Commission, however, including information on usage by type of toll free number is not information that is stored in the SMS/800. That information would have to be provided by each RespOrg. While Ameritech is not opposed to providing such information to the Commission, such information would be proprietary in nature, as it would reveal information about each RespOrg's customer

base.¹⁷ Therefore, the Commission would have to accord confidential treatment to such data.

C. Warehousing of Toll Free Numbers

In addition to the provisions discussed in Section A, supra, the Commission proposes other rules to address alleged "warehousing" of toll free numbers. The Commission defines warehousing as the act of "obtaining toll free numbers from the database without having an actual subscriber for whom those numbers are being reserved."¹⁸ The Commission tentatively concludes that warehousing by communications service providers subject to Title II of the Communications Act is an unreasonable practice and inconsistent with the public interest. The Commission seeks comment on whether, to prevent warehousing, it should limit the quantity of toll free numbers that each RespOrg may draw from the database. The Commission suggests "3% or some other number less than 15%."¹⁹

The Commission also tentatively concludes that all RespOrgs should certify that they have a prospective customer who has agreed to be billed for service for each number they have reserved, assigned, or placed into working status. This certification, the Commission says, "would require that an officer

¹⁷ Ameritech does not currently ask its 800 service subscribers how they intend to use their toll free numbers, and Ameritech has no plans to begin doing so. In some cases, particularly with respect to small entrepreneurship, it may be difficult to determine whether a number is used for personal or commercial purposes, or both. Generally, however, based on the identity of customers and the nature of the services they purchase, Ameritech believes that it would be able to provide reasonably accurate information about usage of different types of services.

¹⁸ Notice at note 69.

¹⁹ Id. at para. 33.

of the company provide name, address, telephone, and facsimile numbers."²⁰ The Commission seeks comment on how frequently such certifications should be made and on what remedies the Commission would have against RespOrgs found to be warehousing. The Commission also asks for comment on what penalty, if any, should be imposed on subscribers who acquire more numbers from a RespOrg than they intend to use immediately.

Ameritech supports the Commission's proposal to limit the quantity of toll free numbers that each RespOrg may reserve at any one time. Currently, industry guidelines specify that each RespOrg may hold reservations for up to 1000 numbers, or 15% of its total quantity of working 800 numbers, whichever is greater.²¹ These limits, if codified by the Commission, and coupled with a requirement that prohibits RespOrgs from assigning numbers to customers who have not affirmatively requested such numbers, should be more than sufficient to address the Commission's warehousing concerns.²²

Ameritech recommends that the Commission specifically adopt these limits and establish penalties for RespOrgs found to be violating them. Such penalties should include both monetary fines and a reduction in the quantity of numbers that the violator may reserve for some time in the future. The amount of the fine and the size and duration of the reduction should depend on the extent to which the reservation limits were exceeded (that is, the quantity of numbers in excess of the limit that were reserved) and on whether

²⁰ Notice at para. 34.

²¹ Industry Guidelines for 800 Number Administration, Section 2.2.5

²² The only change necessary would be to substitute the term "toll free" for "800" in light of the introduction of new toll free codes.

the RespOrg has a record of previous violations. For habitual violators, the Commission might also consider a temporary suspension of RespOrg status, or even decertification.

If the Commission limits the quantity of numbers that each RespOrg may hold in reserved status, while simultaneously prohibiting RespOrgs from assigning numbers to customers who have not affirmatively requested such numbers, there is little reason to adopt additional rules against warehousing. In particular, the Commission need not prohibit RespOrgs from reserving numbers that have not been affirmatively requested by prospective subscribers. In Section A above, Ameritech explained that allowing RespOrgs to maintain a limited reserve of numbers that have not been requested by specific customers has no long-term effect on the overall availability of toll free numbers and facilitates the marketing of toll free services. Therefore, the Commission should revise its definition of warehousing, which, as it now stands, would prohibit any reservation that was not specifically requested by a customer. In addition, the Commission should revise its proposed certification requirement to reflect this changed definition of warehousing.

The Commission also asks whether, in requiring RespOrgs to certify they are not warehousing toll free numbers, it should require "that an officer of the company provide name, address, telephone, and facsimile numbers." The Commission's intent here is ambiguous. The Commission does not indicate whose name, address, etc., the officer would be providing. If the Commission is referring to customer names and addresses, clearly this would

be highly sensitive proprietary information that would have to be protected from public disclosure.

Nor does the Commission indicate what use it would make of this information. If the notion is that such information could be used in auditing compliance with the Commission's warehousing rules, there is no reason why such information would have to be filed with the Commission. Instead, RespOrgs could be required to maintain customer lists and make them available if an audit is conducted. Frankly, Ameritech does not see what other use could be made of this information. Surely the Commission does not have the resources to scrutinize every toll free number that is reserved or in use and match it with a customer list. Therefore, absent some explanation of the need for RespOrgs to file this proprietary customer information, Ameritech opposes any requirement that this information be filed.

Finally, the Commission asks whether penalties should be imposed on customers who are found to be "hoarding" toll free numbers. The Commission defines hoarding as acquiring more numbers than one intends immediately to use. Ameritech believes that the definition of hoarding is far too broad and far too vague to be the basis of a regulatory prohibition. For example, the Commission does not define what it means by the term "immediately." Thus, under the proposed definition, a customer presumably could be guilty of "hoarding" if it reserved a number a week before using it.

Ameritech would not oppose rules that were carefully tailored to address specific customer abuses. For example, Ameritech would not oppose a rule that prohibited reserving or acquiring numbers for the purpose of

selling those numbers, or retaining a number that fails to generate some minimal level of billable usage in a twelve-month period. However, "hoarding," as defined by the Commission should not be unlawful.

D. Vanity Numbers

Another set of issues on which the Commission seeks comment relates to so-called vanity numbers. The Commission defines vanity numbers as telephone numbers corresponding to letters that spell a name or word of value to the number holder. The Commission states, further, that for purposes of this Notice, "vanity numbers also include any numbers in which the holders have a particular interest, be it economic, commercial, or otherwise."²³ The Commission asks parties to comment on how many vanity numbers there are or how this could be determined.

The Commission also seeks comment on five alternatives for protecting the interest of toll free service subscribers in their vanity numbers. First, it asks for comment on whether the holders of 800 vanity numbers should be given a right of first refusal to receive the equivalent 888 number and whether there should be fees associated with the exercise of any such right. Second, it asks whether it should establish an "industrial classification" system, based on standard industrial classification (SIC) codes, that would be used to bar any competitor of the current holder of an 800 number from obtaining the equivalent 888 number. Third, it asks whether vanity numbers in each toll free code should be deemed unassignable until a substantial

²³ Notice at para. 35.

percentage of the numbers in that code had been depleted. Fourth, it asks whether it should require carriers to provide a transitional gateway intercept during the change to a new toll free code that would ostensibly help the caller clarify which number (e.g., 1-800 XXX-XXXX or 1-888 XXX-XXXX) he wanted to reach. Fifth, to postpone 800 exhaust and thereby obviate the need to juggle the conflicting interests raised by the introduction of a new toll free code, the Commission asks whether it should permit only business entities to use 800 service and require that those with personal 800 numbers and paging companies use a different code, such as 888.

Ameritech addresses, first, the Commission's request for information about the number of vanity numbers that are in use. Ameritech submits that it is virtually impossible to estimate this number, because the scope of vanity numbers is so broad and so subjective. For example, vanity numbers might include: (1) toll free numbers that corresponded to letters spelling a subscriber's product (eg., 1-800 FLOWERS); (2) numbers corresponding to letters that spell a subscriber's name (1-800 HOLIDAY); (3) numbers that begin with "4" or "2" and end with a product or subscriber's name (1-800 4-TRAVEL or 1-800 2-GO WEST); (4) numbers the last four digits of which spell a product or subscriber's name; (5) numbers that are easily remembered (1-800, 888-8888, or 1-800 234-1234); and (6) numbers that have been heavily marketed (e.g., Sheraton's 800 number, which was put to a jingle: 1-800 325-3535). Given the subjective nature of these categories, and the fact that a RespOrg or 800 service provider is not necessarily aware of how its subscribers use and market their toll free numbers, Ameritech does not see how one could quantify the number of vanity numbers that are in use.

Because it would appear impossible to define a set of vanity numbers with any precision, Ameritech believes it would be infeasible to designate certain vanity numbers as unassignable until a code was approaching exhaust or to provide the holders of 800 vanity numbers with a right of first refusal for the corresponding 888 and other 8XX numbers. Rather, the only option would be to give all 800 service subscribers a right of first refusal. This step, however, could result in the quick exhaust of toll free numbers, particularly if the right of first refusal could be exercised at no, or a relatively modest, cost. Given these difficulties, Ameritech believes that a simple first-come, first-served system is preferable to one giving rights of first refusal to existing 800 subscribers.

Ameritech also opposes the Commission's proposal to use SIC codes to implement a rule that would bar any competitor of the current holder of an 800 number from obtaining the equivalent 888 number. This proposal, like the right of first refusal proposal, is fraught with practical difficulties. First, this proposal would be burdensome to new subscribers who might not be familiar with SIC codes or what their SIC classification might be. Second, there is no system in place to monitor or police subscribers' SIC code designations to ensure that these designations are accurate and complete. Nor is there any system to resolve ambiguities in designations or to impose penalties on those who abuse the SIC code system to give overbroad protection to their toll free numbers or to obtain numbers for which they ought to be disqualified. Third, the proposal would raise difficult questions relating to the treatment of affiliates, subsidiaries, partners, joint ventures, etc., which would require considerable further analysis. Fourth, the venture could have unintended consequences for entities that seek to expand into

new ventures or provide new products and services. Suppose, for example, that Company X has made a name for itself selling widgets, using the number 1-800-943-4387 (WIDGETS). Company X decides to sell a new product as well. However, upon checking the SMS/800 database, Company X learns that Company Y, which uses the number 1-888 943-4387, has entered a SIC code for that new product. That means that Company X would have to forego entering the new market or forfeit the 800 number upon which it built its widget business.²⁴

For these reasons, Ameritech is not convinced that the benefits of an industrial classification system would exceed the costs. Particularly since vanity numbers (or at least the mnemonic term) may be protected as a trademark or service mark, the Commission should not open a "pandora's box" by attempting to implement an industrial classification code system.

Ameritech also opposes the proposal to require a transitional gateway intercept message during the change to a new toll free code. Ameritech believes that such messages would be annoying to callers and contrary to the interests of toll free service subscribers who seek to provide convenient and quick service. In Docket 86-10, the Commission recognized the concerns of 800 service subscribers with respect to call set-up times, and it established explicit access time standards that reflected its commitment to ensuring "that data base access does not degrade the quality of the nation's 800 access

²⁴ This problem could be avoided only if Company X was prohibited only from selling its new product on its existing 800 number and could continue selling widgets on that number. This kind of rule, however, could be even more difficult to enforce.

service."²⁵ The Commission should not compromise this commitment by forcing callers to endure the delays associated with an intercept message every time they make a toll free call.

The Commission's final proposal to protect those with vanity numbers is to partition toll free codes, moving personal 800 service users and paging companies (presumably only those that assign each subscriber its own toll free number) to another code. Unfortunately this proposal receives short shrift in the Notice, as it is offered almost as an afterthought in a section entitled "Miscellaneous Proposals." Ameritech is not sure whether this proposal could be implemented before 800 numbers are depleted, and it is necessary to move business customers into another code. Nor is Ameritech sure whether, once all the implications of the proposal have been fully considered, its benefits would exceed the costs. Nevertheless, Ameritech believes this proposal has the potential to address not only the Commission's concerns with respect to vanity numbers, but a number of other concerns that are raised by the move to a new toll free code. For example, the proposal would address concerns that large numbers of 800 service subscribers, seeking to protect their interest in their 800 number, will reserve the corresponding number in 888, thereby hastening the depletion of that code, and other codes after that. Similarly, the proposal would address concerns about fraud, since the competitor of an 800 service subscriber would be unable to reserve the same number in the 888 code. Finally, since only 800 numbers, not 888 numbers, would be mass-marketed, consumer confusion attendant to opening the 888 code would be substantially reduced, as would the incidence

²⁵ Provision of Access for 800 Service, Memorandum Opinion and Order on Reconsideration, 6 FCC Rcd 5421 (1991) at paras. 20-21.

of misdialed numbers. While these benefits might be temporary only, and the industry might ultimately have to open a new toll free code for business subscribers as well, they are significant enough to warrant close consideration of the Commission's proposal. They also appear to obviate concerns that any discrimination entailed would be unjust and unreasonable.

E. High Volume Numbers

Another issue on which the Commission seeks comment is whether there should be special protection for new toll free subscribers who obtain a number that translates to a high volume number in another code. Specifically, the Commission proposes marking high-volume toll free numbers in the SMS/800 database so that subscribers to toll free services will be able to choose numbers that do not correspond to high volume numbers in another code. This, the Commission suggests, would enable subscribers to protect themselves from receiving large numbers of misdialed calls. The Commission seeks comment on this proposal and on how high volume numbers might be identified in the SMS database.

While Ameritech shares the Commission's concern that the introduction of 888 access could increase the number of misdialed toll free calls, Ameritech does not support the Commission's proposal to identify and mark high volume 800 numbers in the SMS/800 database. Even assuming that the changes to the SMS/800 database necessary to accommodate such designations could be made in a timely manner, the marking of heavily used 800 numbers raises serious issues relating to the protection of proprietary information. 800 service providers do not customarily share information

about which of their customers are the heaviest users. This information is considered proprietary because it is precisely the kind of information that competitors could use to target marketing initiatives. Ameritech thus does not believe that the Commission's proposal could be implemented without compromising the rights of carriers to protect proprietary information.

Nor is Ameritech convinced that the proposal is necessary. The Commission has found that the 800 services market is subject to substantial competition.²⁶ Indeed, a key basis upon which 800 service providers compete is on the quality of their customer service. This includes how they handle misdialed calls and the options they offer customers to reduce the incidence of misdialed calls. In this regard, Ameritech notes that some customers -- particularly those whose 800 numbers deviate by one digit from a heavily used number -- already experience large numbers of misdialed calls. Market forces are already addressing this situation, and there is no reason to believe they will not likewise address misdialed calls that are caused by the transition to a new toll free code.

F. Toll Free Directory Assistance

The Commission also seeks comment on how toll free Directory Assistance (DA) should be handled when the 888 code is deployed. The Commission tentatively concludes "that 800 DA and 888 DA, and eventually DA for subsequent toll free codes, should be combined into interchangeable

²⁶ Motion of AT&T Corp. to be Reclassified as a Non-Dominant Carrier, FCC 95-427, released October 23, 1995 at paras. 88-89.

toll free DA service and should be open to competition."²⁷ The Commission asks for comment on this proposal and on a proposal to defer assigning 888-555-1212 "until toll free DA issues have been resolved."

Ameritech agrees with the Commission that consumers should be able to dial either 1-800-555-1212 or 1-888-555-1212 and access DA for all toll free numbers. Consumers who need toll free DA service should not have to play a guessing game as to which DA service to call for the listing they are seeking. Ameritech also agrees that competition in the provision of toll free DA services would further the public interest, so long as all DA listings make available all toll free numbers. The Commission does not, however, explain how it proposes to open toll free DA service to competition. Does the Commission propose to allow multiple DA numbers? Does it propose to subject the 555-1212 numbers to competitive bidding? If so, to whom? None of this is explained in the Notice. Therefore, while Ameritech supports the generic statement that a competitive DA service could be preferable to the current monopoly offering, Ameritech is not prepared to comment further until a specific proposal is on the table.

Ameritech also withholds comment on whether assignment of 888-555-1212 should be deferred until toll free DA issues have been resolved. Ameritech is not sure what toll free issues the Commission is referring to or how long they would take to resolve. Absent this information, it is impossible to assess whether 888-555-1212 should be assigned or tabled.

²⁷ Notice at para. 48.

G. Administration of the Service Management System

Another issue upon which the Commission seeks comment is whether DSMI and Lockheed IMS should continue to perform their current functions in administering the SMS/800 database or whether those functions should be transferred to the North American Numbering Plan Administrator or some other neutral third party.²⁸ The Commission does not explain why it raises these issues, and Ameritech is at a loss why, in particular, Lockheed's role with respect to the SMS/800 would be questioned. After all, Lockheed is a neutral third party that was chosen to administer the Number Administration and Service Center pursuant to a competitive bidding process.

Nor does Ameritech understand why the Commission would be questioning DSMI's role at this time. DSMI currently serves two purposes. First, it assists the BOCs in administering the SMS/800 tariff. It drafts tariff language, files tariff changes, etc. The rates, however, in those tariffs, and the substantive terms, are determined by the BOCs. This is so because, in Docket 86-10, the Commission held that access to the SMS/800 is a Title II service and it ordered the BOCs jointly to tariff the service. If the BOCs are responsible for

²⁸ Ameritech questions whether this proceeding is an appropriate vehicle for revisiting yet again the issue of who should administer the SMS/800. The Notice contains a laundry list of proposals that must be considered in extremely short time frames. Ameritech has recommended that a number of measures be taken to ensure a smooth transition to 888. To consider a new SMS/800 administrator at this time could distract attention and resources away from the immediate issues at hand.

the SMS/800 tariffs, at the Commission's direction, there surely is nothing wrong with a Bellcore subcontractor assisting with those functions.

Second, DSMI helps the BOCs to manage and maintain the SMS/800. For example, DSMI serves as an industry interface for requested software changes to the SMS. DSMI coordinates with software vendors to assess the feasibility and cost of requested changes and works with the industry to prioritize such changes. It might also interface with the NASC, SCP owners/operators, RespOrgs, and Southwestern Bell (the operator of the SMS/800 data center) to resolve technical problems with the SMS/800 -- for example, if data links were overloaded.

The Commission has not suggested that the BOCs should be required to divest themselves altogether of their ownership interest in the SMS/800, and any such suggestion would certainly warrant considerable legal scrutiny. That being the case, it is inconceivable that the Commission could require the BOCs to disassociate themselves from the functions that DSMI performs. To do so would be to deny the BOCs the right to make fundamental decisions about managing, maintaining, and upgrading their own investment.

As noted, the BOCs have already subcontracted the daily operations of the SMS/800 to a neutral (unaffiliated) third party to reduce any potential for discrimination or the appearance of discrimination. The Commission has also required the BOCs to tariff SMS/800 access to ensure that access is provided on reasonable, nondiscriminatory terms to all RespOrgs. SMS/800 access is also subject to section 208 complaint processes. Significantly, no complaint has ever been filed alleging that DSMI has discriminated in its

SMS/800 functions. Finally, only four months ago, the Chief of the Common Carrier Bureau rejected arguments that it is improper for one of the BOCs (Southwestern Bell) to operate the SMS/800 data center. She stated: "Parties have had an opportunity to raise concerns about the operational structure of the 800 database by filing comments in this proceeding leading to the 800 Order and elsewhere, and have either not done so or have not convinced the Commission that the present structure is unreasonable."²⁹ Under the circumstances, the Commission should allow DSMI to continue performing its current SMS/800 functions.

H. Public Awareness and Industry Participation

Noting that the industry has undertaken several public relations initiatives to educate the public about the impending implementation of a new toll free code, the Commission seeks comment on whether additional efforts to improve public awareness should be undertaken. The Commission asks who should conduct such public awareness efforts, who should pay for them, and what form such efforts should take.

Ameritech urges the Commission to issue a consumer bulletin advising consumers of the March 1, 1996, deployment of the new 888 toll free code. That bulletin should also provide information on how to use 800 and 888 DA, as well as such other information that will help consumers and 800 service subscribers adjust to the new environment.

²⁹ Letter from Kathleen M.H. Wallman, Chief, Common Carrier Bureau, to 17 parties, June 21, 1995.

The Commission need not require carriers to undertake such education efforts. Carriers that offer toll free service have every interest in ensuring that consumers and subscribers are fully aware of their toll free options and understand the issues raised by the opening of a new toll free code. Indeed, as the Commission notes, the industry has already begun a public relations campaign, including hiring public relations firms to conduct media campaigns, issuing monthly advisories to sales staff, conducting press interviews, and issuing press releases. This campaign will undoubtedly accelerate as the March 1, 1996, implementation date grows near. Aside from the consumer bulletin discussed above, no further Commission action is necessary.

I. Circuit Breaker Model

Citing the accelerated consumption of 800 numbers after the announcement that the 800 code was nearing exhaustion, the Commission tentatively concludes that it should adopt a circuit breaker model for toll free numbers. This model would be analogous to the model used in securities markets to halt trading after precipitous declines in the Dow Jones Industrial Average. The Commission seeks comment on two specific approaches.

Under the first alternative, the circuit breaker mechanism would be activated only after it was announced that the exhaust date for the current toll free code was approaching. At that time, and until a new code was deployed, each RespOrg would be limited in the quantity of numbers it could take from the database. Each RespOrg's limit would be equal to its weekly average number consumption rate during the previous twelve months. If a RespOrg

exceeded this "circuit breaker threshold," it would be limited to one-half its weekly average consumption rate until one month after the new code is activated.

Under the second alternative, the circuit breaker mechanism would apply at all times. Under this model, each RespOrg's monthly rate of consumption would be based on its average rate for the five days in which it consumed the most numbers during the previous month. If a RespOrg removed three times that rate in a single day, the circuit breaker would be triggered and penalties would apply.

Ameritech is not convinced that a circuit breaker mechanism is necessary. In this Notice, the Commission has proposed, and Ameritech supports, a number of measures that should obviate the need for special emergency number conservation measures. These measures include: (1) a prohibition on the assignment of toll free numbers to subscribers who have not affirmatively requested such numbers and who do not anticipate generating billable usage; (2) escrow payments by the largest RespOrgs; (3) limits on the quantity of toll free reservations a RespOrg can maintain; (4) reporting requirements to facilitate monitoring the consumption of toll free numbers; and other measures. These proposals, if implemented, should serve as a check on the quantity of numbers a RespOrg will reserve at any one time and provide assurances to RespOrgs that a supply of toll free numbers will remain available. They should thereby prevent an extraordinary run on numbers that might require a circuit breaker model.

Even in the absence of these measures, it is highly questionable whether an announcement that 888 numbers were nearing exhaust would precipitate anything like the run on numbers that 800 exhaust apparently triggered. For one thing, the industry will be able to implement 877 far more quickly than 888, since many of the issues raised by opening a new toll free code will have been resolved, and many of the technical changes to the network will have been made. Moreover, because 800 has been the only toll free code for over 30 years, and consumers are extremely familiar with it, it is not surprising that some RespOrgs and/or subscribers may have felt that 800 numbers were uniquely valuable. The differences among 888, 877, and subsequent toll free codes, however, are not likely to be as pronounced as those between 800 and 888.

If the Commission nevertheless decides to implement a circuit breaker model, the first model would be far easier to implement than the second approach. The SMS/800 already has the capability of allocating numbers over a given period of time in aggregate or on a RespOrg by RespOrg basis. These allocations can be daily, weekly, or even monthly.³⁰ In contrast, the second circuit breaker model would be far more difficult to implement. The complexity of computing a monthly consumption benchmark based on the five highest consumption days in the previous month would require significant reprogramming of the SMS/800 system.

J. Tariffs

³⁰ The system cannot, however, provide credits on a RespOrg-specific basis for numbers that RespOrgs return to spare status. This capability would have to be developed.

Finally, expressing the view that 888 and subsequent toll free services should be treated like 800 services, the Commission tentatively concludes that existing Part 69 provisions and cost recovery rules for 800 service would apply equally to other toll free services. The Commission seeks comment on these issues, and on whether it is reasonable for LECs to charge interim rates or make other provisions to deal with transition issues during the conversion to toll free operation of 888 service.

Ameritech agrees that that the rules established for 800 service apply should apply equally to toll free offerings and that Part 69 waivers are not necessary to introduce 888 access service. Ameritech also urges the Commission to permit LECs to implement interim measures to reduce costs to interexchange carriers associated with the transition to 888 access. Specifically, because Ameritech will initially not be able to deliver 888 traffic through end office switches, the Commission should permit Ameritech to charge interexchange carriers on the same basis as Ameritech charges those carriers for 800 access.

The Commission should also take whatever steps are necessary to ensure that changes to the SMS/800 tariff are effective at the time reservations of 888 numbers are first permitted. As the tariff that provides for administration of 800 toll free numbers, the SMS/800 tariff will necessarily require modification to reflect the inclusion of 888 in the pool of numbers available for reservation and assignment and to reflect the changes that the Commission orders in this proceeding. Indeed, if, as Ameritech suggests, the Commission adopts the proposal to allow for early reservation of 888 numbers, this tariff would have to be in effect as of the date 888 reservations

are first permitted. The Commission must therefore issue an order in this proceeding as quickly as possible, and, depending upon when that order is issued, it may have to take additional steps, such as allowing the SMS/800 tariff changes to go into effect on less than 45 days notice.

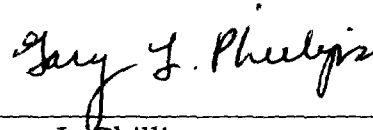
III. CONCLUSION

In this Notice, the Commission offers a sweeping array of proposals for administering toll free numbers. As discussed above, some are sound and could significantly facilitate the management of this limited and valuable public resource; others are counterproductive.

One thing is clear: given the scope of this Notice, the number of issues it raises, and the number of options it offers, the Commission will have its work cut out for it if it is to produce an order in timely fashion. The cutover to 888 access is scheduled for March 1, 1996. Number reservations may begin even before that date if, as Ameritech recommends, the Commission adopts its proposal to phase-in initial 888 reservations. In order for the cutover to 888 access to occur smoothly, the Commission will have to address at least those issues that are critical to the initial deployment of 888 with these deadlines in mind. If bifurcation of the issues in this Notice is necessary --

between those that require prompt decision and those that can wait --
Ameritech recommends that the Commission take such action.

Respectfully Submitted,

A handwritten signature in cursive script, reading "Gary L. Phillips". The signature is written in dark ink and is positioned above a horizontal line.

Gary L. Phillips
Counsel for Ameritech
1401 H Street, N.W. Suite 1020
Washington, D.C. 20005
(202) 326-3817

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